THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.26152 OF 2005

DATED:8.12.2005

Between:

Smt. S.Padmavathamma

…Petitioner

And

The Mandal Revenue Officer

Chandragiri, Chittoor District and others

…Respondents

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ORDER:

The petitioner is allegedly daughter-in-law of one Mala Sale Guravadu, who was allegedly assigned an extent of Acs.5.29 in S.No.412/1 of Ramreddypalle Village. It appears the said land was subsequently alienated to Dr.M. Mohan Babu. The petitioner therefore approached the first respondent to restore the land to her claiming herself to be the legal heir of late Mala Sale Guravadu. The first respondent after following the procedure contemplated under A.P. Assigned Lands (Prohibition of Transfers) Act, 1977 (for short, the Act) and the A.P. Assigned Lands (Prohibition of Transfers) Rules, 1977 (for short, the Rules), by order dt.11.7.2005 declared the alienation of the land in question as null and void, and ordered resumption of the land to the Government. This order is assailed in the Writ Petition after a period of

four months.

The petitioner's only grievance is that when at the instance and behest of the petitioner the alienation in favour of Dr.Mohan Babu was cancelled, it is incumbent on the part of first respondent to conduct enquiry as to the original assignee or legal heirs of such assignee who are entitled for restoration of land and restore the land to them. The Mandal Revenue Officer has failed to conduct such enquiry and therefore the order is liable to be set aside. That is the only submission strenuously pressed before this Court by the learned counsel for the petitioner, Sri Krishna Devan.

A perusal of the order would show that it is only at the instance of the petitioner that the Mandal Revenue Officer initiated action under Section 4 of the Act, and declared the alienation null and void. If the petitioner is aggrieved by the order of the Mandal Revenue Officer in not restoring the land to her as alleged legal heir of original assignee, such grievance can be redressed even by the appellate authority as contemplated under Section 4-A of the Act. Whether the original assignee alienated the land twice, or whether the petitioner is a legal heir of original assignee and/or whether legal heir of assignee (petitioner herein) as such is entitled for assignment as a landless and poor person, are all questions of fact which can be agitated before the Revenue Divisional Officer, the duly constituted appellate authority. In view of this, the Writ Petition is not maintainable.

The petitioner is therefore given liberty to file appeal within a period of one week from the date of receipt of a copy of this order and the appellate authority may consider the appeal and pass appropriate orders either along with the appeal preferred by the subsequent purchaser or independently. In this Writ Petition no relief can be granted.

The Writ Petition is accordingly dismissed.

(V.V.S.RAO, J)

8.12.2005

NOTE: C.C. in one week.

(B/O)

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